

Transcript of the Testimony of
Dube, Taylor

Date: June 9, 2020

Case: Lankford v. Plumerville, et al

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Page 16

1 Q And there were no oncoming cars that had to
2 swerve out of his way, correct?

3 A I see one approaching, but that's all. I mean,
4 I'm unsure.

5 Q (Video plays.) Okay. At the 05:02:36,
6 Mr. Lankford is passing another vehicle, correct?

7 A Yes, sir.

8 Q He actually has a double line on this one,
9 correct?

10 A Yes, sir.

11 Q He is passing on that double yellow line,
12 correct?

13 A Yes, sir.

14 Q So he doesn't go all the way over into the
15 oncoming lanes, correct?

16 A No, sir.

17 Q And when he does this, there is no oncoming
18 traffic, correct?

19 A I mean, there's a car that is right there beside
20 him on the -- that black car there. And there is
21 traffic on both sides of the road right there.

22 Q Are you saying that the black car on the oncoming
23 lane is in front of where Mr. Lankford is going to be
24 driving?

25 A Not at this particular moment. But, I mean, when

Page 19

1 that was there when Officer Duvall came into view, he
2 was in the westbound lane and Lankford veered --

3 Q Can I stop you real quick, Officer? I'm sorry.
4 In the westbound lane, would that have been the
5 oncoming traffic lane for you?

6 A Yes, sir. Lankford veered further over in the
7 eastbound lane the way were traveling, and from what I
8 saw was his car moved forward. And then Lankford
9 attempted to go back around behind, but due to his
10 speed, he was unable to.

11 Q And so when you say his car moved forward, are
12 you talking about Officer Duvall's car?

13 A Yes, sir.

14 Q And when you say, "Moved forward," are you saying
15 it moved forward into the lane of travel that
16 Mr. Lankford was in?

17 A Yes, sir.

18 Q Are you saying it did this after Mr. Lankford
19 started to veer to the right?

20 A Yes, sir.

21 Q And so when Officer Duvall's car moved forward
22 into Mr. Lankford's lane of travel, did that cut off
23 the escape path around the front of the vehicle?

24 A There was still a little room around the front.
25 But, I mean, with the speeds he was going, I'm unsure

Page 20

1 how to correctly answer that question.

2 Q You would agree that when Officer Duvall moved
3 his car forward, it was in the lane of travel that
4 Mr. Lankford was veering into?

5 A Yes, sir.

6 Q And then after Officer Duvall moved his car
7 forward into Mr. Lankford's lane of travel,
8 Mr. Lankford then went back left?

9 A Yes, sir.

10 Q And that is when he struck Officer Duvall's
11 vehicle?

12 A Yes, sir.

13 Q If Officer Duvall says that his car was
14 stationary and did not move forward, would you
15 disagree with that?

16 MS. MONAGHAN: Object to the form.

17 A Yes, sir.

18 BY MR. ROBERTS:

19 Q I'm sorry? Can I hear your answer, Officer?

20 A Yes, sir.

21 Q Yes, sir, you would disagree with Officer Duvall?

22 A Yes, sir.

23 Q Did you discuss what you saw with Officer Bryant
24 after this occurred?

25 A Yes, sir.

Page 21

1 Q And is that captured on your body camera video?

2 A I am unsure. I believe it is.

3 Q Do you see your body video displayed on screen?

4 A Yes, sir.

5 (WHEREUPON, Plaintiff's Exhibit E is
6 introduced and is attached hereto:)

7 BY MR. ROBERTS:

8 Q I'm going to take you to the 16:50 mark of your
9 body camera video and that's the 16:50 mark of my
10 exhibit, which is Exhibit E. Okay? (Video is
11 played.)

12 A Okay.

13 Q And is that you speaking right now?

14 A Yes, sir.

15 Q You just said, "He asked me, did they pull out
16 front of him. And they did"?

17 A Yes, sir.

18 Q That was your voice?

19 A Yes, sir.

20 Q Okay. And are you explaining to Officer Bryant
21 what you saw occur?

22 A Yes, sir.

23 Q (Video plays.) I'm going to play again at the
24 16:55 mark of Exhibit E.

25 So I want to ask you about who you are referring

Page 22

1 to there. Okay?

2 A Okay.

3 Q You said, "They were like that in the street."

4 Who are you referring to?

5 A The Plumerville patrol car.

6 Q And then when you are referring to "he went that

7 way," who are you referring to?

8 A Lankford.

9 Q Okay. And then are you referring to Officer

10 Duvall pulling forward in front of him?

11 A Yes, sir.

12 Q Okay. I'm going to take you to the 21:57 mark of

13 Exhibit E. I'm going to start it at 21:54.

14 (Video plays.)

15 Who are you speaking with in this part of the

16 video?

17 A Corporal Bryant and Chief Stover.

18 Q So this person to the left is Chief Stover?

19 A Yes, sir.

20 Q And this is Corporal Bryant?

21 A Corporal Bryant, yes, sir.

22 Q So starting at 21:54. (Video plays.)

23 Could you hear that with the audio turned up?

24 A Yes, sir.

25 Q What did you just say?

Page 23

1 A I said he was sitting in the roadway.

2 Q Did you say the word, "He plowed him"?

3 A No, sir.

4 Q Let's go back and listen. I'm going to start it
5 off at 21:53. (Video plays.)

6 Did you say, "He plowed him" at the end there?

7 A Okay. I may have.

8 Q Who are you referring to?

9 A Lankford.

10 Q Lankford was the one that was plowed?

11 A No. No, what I was saying -- from what I just
12 saw, I believe what I was referencing was Lankford hit
13 the side of the vehicle.

14 Q Okay. All right. And then I'm going to show you
15 one more part of this video and it's the 24:16 mark of
16 Exhibit E. I will start it 24:15. (Video plays.)

17 And, so, again, are you explaining what you saw

18 happen?

19 A Yes, sir.

20 Q And you said that Chris was coming down -- you
21 said, "When we got up here, he was already sideways."

22 Who is "he"?

23 A Officer Duvall.

24 Q And you said, "Chris." Is that Chris Lankford?

25 A Yes, sir.

Page 24

1 Q Started to go in front of him?

2 A Yes, sir.

3 Q And are you referring to Officer Duvall pulling

4 up?

5 A Yes, sir.

6 Q And you are referring to Officer Duvall pulling

7 up in front of Christopher Lankford's pathway,

8 correct?

9 A Yes, sir.

10 (WHEREUPON, Plaintiff's Exhibit D is

11 introduced and is attached hereto:)

12 BY MR. ROBERTS:

13 Q Do you recognize Exhibit D, Officer?

14 A Yes, sir.

15 Q What is Exhibit D?

16 A That is the incident report that you have got up

17 there.

18 Q From this incident?

19 A Yes, sir.

20 Q And at the end of the incident report, is there

21 an After-Action review?

22 A Yes, sir.

23 Q And who did you do that After-Action Review with?

24 A Assistant Chief Trent Anderson.

25 Q In that After-Action review, Assistant Chief

Page 25

1 Trent Anderson wrote down here, (as read:) "I advised
2 both officers that if they found themselves in a
3 situation like that not to block the roadway and to
4 let the motorcycle pass, unless it was a deadly force
5 situation." Is that what he wrote?

6 A Yes, sir.

7 Q Is that what he told you in that After-Action
8 Review?

9 A Yes, sir.

10 Q Was it your understanding that this was not a
11 deadly force situation?

12 MS. MONAGHAN: Object to the form.

13 A Yes, sir.

14 BY MR. ROBERTS:

15 Q I'm sorry? What was the answer?

16 A Yes, sir.

17 MR. ROBERTS: I will reserve further
18 questioning.

19 MS. MONAGHAN: No questions.

20 MR. ROBERTS: Thank you very much,
21 Officer Dube.

22 (WHEREUPON, the proceedings were
23 concluded in the matter at 10:40 a.m.)

24 WITNESS EXCUSED.

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